

EXHIBIT P

**PURSUANT TO PROTECTIVE ORDER, CONTAINS MATERIAL DESIGNATED
"HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY"**

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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15 ORACLE AMERICA, INC.,
16
17 Plaintiffs,
18 v.
19 GOOGLE INC.,
20 Defendant.

Case No. CV 10-03561 WHA

**DEFENDANT GOOGLE INC.'S THIRD
SUPPLEMENTAL RESPONSES AND
OBJECTIONS TO PLAINTIFF'S
INTERROGATORIES, SET 5 (NOS. 26 –
37)**

21 Dept. Courtroom 8, 19th Fl.
22 Judge: Hon. William Alsup

HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY**INTERROGATORY RESPONSES****INTERROGATORY NO. 26:**

For each VERSION of ANDROID developed or released by GOOGLE since October 27, 2010, identify all ANDROID code that contains or replicates code from the 37 JAVA API PACKAGES, including any DECLARING CODE or any other code contained in the JAVA PLATFORM.

FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 26:

In addition to its General Objections, Google objects to this Interrogatory as vague, ambiguous and potentially overbroad and unduly burdensome as to the terms “code,” “version,” “Android,” “developed or released by Google,” “contains or replicates code from the 37 Java API Packages,” “declaring code,” and “any other code contained in the Java Platform.” Google also objects to this Interrogatory as overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible information to the extent it requires Google to identify any “code” beyond the source code included in the 37 Java API Packages at issue in this litigation. Google also objects to this Interrogatory as overly broad, unduly burdensome, not relevant to any claim or defense in this lawsuit, and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it seeks information related to operations of Google outside of the United States having no connection with the United States, and to the extent that it seeks information unrelated to the copyright infringement allegations set forth in Plaintiff’s Amended and Supplemental Complaints. Google further objects to this Interrogatory as improperly compound and containing multiple distinct sub-parts. Google further objects to this Interrogatory to the extent it attempts to reopen discovery on issues, events, transactions, and/or occurrences that could have, and should have been addressed, if at all, prior to the original trial.

Subject to and without waiving the foregoing objections and the General Objections, Google states that it has produced or otherwise identified relevant, non-privileged documents or code repositories from which information responsive to this Interrogatory can be derived pursuant to Fed. R. Civ. P. 33(d). Google directs Oracle to the following public sources which contain non-privileged documents responsive to this Interrogatory: <https://source.android.com/> and

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<https://developer.android.com>. Google also directs Oracle to the hard drive containing a copy of the entire Android Open Source Project downloaded from <source.android.com> that Google provided to Oracle’s counsel at its request on November 9, 2015. The hard drive includes, without limitation, all versions of Android publicly released, such as Marshmallow 6.0, Lollipop 5.1, Lollipop 5.0, KitKat 4.4.-4.4.4, Jelly Bean 4.1-4.3, Ice Cream Sandwich 4.01-4.04, Honeycomb 3.0-3.2, Gingerbread 2.3-2.3.7, Honeycomb, Froyo 2.2., Eclair 2.0-2.1, Donut 1.6, and Cupcake 1.5. In addition, Google states that source code responsive to this Interrogatory has been made available for inspection on a secured computer at the offices of Kecker & Van Nest pursuant to the Protective Order in this action, including without limitation:

- Source code for ARC;
- Source code for ARC Welder;
- Source code for Brillo;
- GMS applications and documentation; and

[BEGIN GOOGLE *HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY* INFORMATION]

Source code for unreleased versions of Android incorporating OpenJDK

[END GOOGLE *HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY* INFORMATION]

Google reserves its right to rely upon, and hereby incorporates by reference, all facts set forth in the previous trial record in this matter, including all trial transcripts and trial exhibits, any deposition testimony and exhibits preceding the previous trial, and any briefing, or exhibits identified in briefing, preceding the previous trial. Google further reserves the right to amend or supplement its response to this Interrogatory based on further information provided during fact and/or expert discovery in this matter, including but not limited to supplementation after completion of any depositions that occur after the close of discovery by court order and/or stipulation of the parties.

INTERROGATORY NO. 27:

For any software developed or released by GOOGLE since October 27, 2010, identify all code from such software that contains or replicates code from the 37 JAVA API PACKAGES,

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1 including any DECLARING CODE or any other code contained in the JAVA PLATFORM.

2 **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 27:**

3 In addition to its General Objections, Google objects to this Interrogatory as vague,
4 ambiguous and potentially overbroad and unduly burdensome as to the terms “code,” “any
5 software,” “developed or released by Google,” “contains or replicates code from the 37 Java API
6 Packages,” “declaring code,” and “any other code contained in the Java Platform.” Google also
7 objects to this interrogatory as overly broad, unduly burdensome and not reasonably calculated to
8 lead to the discovery of admissible information to the extent it requires Google to identify any
9 “code” beyond the source code included in the 37 Java API Packages at issue in this litigation.
10 Google also objects to this Interrogatory as overly broad, unduly burdensome, not relevant to any
11 claim or defense in this lawsuit, and not reasonably calculated to lead to the discovery of
12 admissible evidence to the extent that it seeks information related to operations of Google outside
13 of the United States having no connection with the United States, and to the extent that it seeks
14 information unrelated to the copyright infringement allegations set forth in Plaintiff’s Amended
15 and Supplemental Complaints. Google further objects to this Interrogatory as improperly
16 compound and containing multiple distinct sub-parts. Google further objects to this Interrogatory
17 to the extent it attempts to reopen discovery on issues, events, transactions, and/or occurrences
18 that could have, and should have been addressed, if at all, prior to the original trial. Google
19 objects to this Interrogatory to the extent it is duplicative of Interrogatory No. 26.

20 Google states that it has produced or otherwise identified relevant, non-privileged
21 documents or code repositories from which information responsive to this Interrogatory can be
22 derived pursuant to Fed. R. Civ. P. 33(d). Google further incorporates here by reference its
23 Response to Interrogatory No. 26. Google reserves its right to rely upon, and hereby incorporates
24 by reference, all facts set forth in the previous trial record in this matter, including all trial
25 transcripts and trial exhibits, any deposition testimony and exhibits preceding the previous trial,
26 and any briefing, or exhibits identified in briefing, preceding the previous trial. Google further
27 reserves the right to amend or supplement its response to this Interrogatory based on further
28 information provided during fact and/or expert discovery in this matter, including but not limited

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1 to supplementation after completion of any depositions that occur after the close of discovery by
2 court order and/or stipulation of the parties.

INTERROGATORY NO. 28:

3
4 For each VERSION of ANDROID developed or released by GOOGLE since October 27, 2010,
5 identify all ANDROID code that contains or replicates the SSO of the 37 JAVA API
6 PACKAGES.
7

FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 28:

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9 In addition to its General Objections, Google objects to this Interrogatory as vague,
10 ambiguous and potentially overbroad and unduly burdensome as to the terms “code,” “version,”
11 “Android,” “developed or released by Google,” and “contains or replicates the SSO of the 37 Java
12 API Packages.” Google also objects to this Interrogatory as overly broad, unduly burdensome,
13 not relevant to any claim or defense in this lawsuit, and not reasonably calculated to lead to the
14 discovery of admissible evidence to the extent that it seeks information related to operations of
15 Google outside of the United States having no connection with the United States, and to the
16 extent that it seeks information unrelated to the copyright infringement allegations set forth in
17 Plaintiff’s Amended and Supplemental Complaints. Google objects to this Interrogatory as
18 improperly compound and containing multiple distinct sub-parts. Google further objects to this
19 Interrogatory to the extent it attempts to reopen discovery on issues, events, transactions, and/or
20 occurrences that could have, and should have been addressed, if at all, prior to the original trial.
21 Google objects to this Interrogatory as duplicative of Interrogatory No. 26.

22 Google states that it has produced or otherwise identified relevant, non-privileged
23 documents or code repositories from which information responsive to this Interrogatory can be
24 derived pursuant to Fed. R. Civ. P. 33(d). Google further incorporates here by reference its
25 Response to Interrogatory No. 26. Google reserves its right to rely upon, and hereby incorporates
26 by reference, all facts set forth in the previous trial record in this matter, including all trial
27 transcripts and trial exhibits, any deposition testimony and exhibits preceding the previous trial,
28 and any briefing, or exhibits identified in briefing, preceding the previous trial. Google further

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1 reserves the right to amend or supplement its response to this Interrogatory based on further
2 information provided during fact and/or expert discovery in this matter, including but not limited
3 to supplementation after completion of any depositions that occur after the close of discovery by
4 court order and/or stipulation of the parties.

INTERROGATORY NO. 29:

7 For any software based on or derived from ANDROID since October 27, 2010, identify
8 all code from such software that contains or replicates the SSO of the 37 JAVA API
9 PACKAGES.

FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 29:

11 In addition to its General Objections, Google objects to this Interrogatory as vague,
12 ambiguous and potentially overbroad and unduly burdensome as to the terms “code,” “any
13 software based on or derived from Android,” “Android,” “all code from such software,” and
14 “contains or replicates the SSO of the 37 Java API Packages.” Google further objects to this
15 Interrogatory as overly broad, unduly burdensome, not reasonably calculated to lead to the
16 discovery of admissible information and calling for speculation to the extent it seeks information
17 regarding entities other than Google. Google further objects to this Interrogatory as unduly
18 burdensome to the extent it requests information, documents, and/or things not within the
19 possession, custody, or control of Google. Google also objects to this Interrogatory as overly
20 broad, unduly burdensome, not relevant to any claim or defense in this lawsuit, and not
21 reasonably calculated to lead to the discovery of admissible evidence to the extent that it seeks
22 information related to operations of Google outside of the United States having no connection
23 with the United States, and to the extent that it seeks information unrelated to the copyright
24 infringement allegations set forth in Plaintiff’s Amended and Supplemental Complaints. Google
25 further objects to this Interrogatory as unduly burdensome to the extent it requests information,
26 documents, and/or things not within the possession, custody, or control of Google. Google
27 objects to this Interrogatory as improperly compound and containing multiple distinct sub-parts.
28 Google further objects to this Interrogatory to the extent it attempts to reopen discovery on issues,

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1 events, transactions, and/or occurrences that could have, and should have been addressed, if at all,
 2 prior to the original trial. Google objects to this Interrogatory as duplicative of Interrogatory No.
 3 27.

4 Google states that it has produced or otherwise identified relevant, non-privileged
 5 documents or code repositories from which information responsive to this Interrogatory can be
 6 derived pursuant to Fed. R. Civ. P. 33(d). Google further incorporates here by reference its
 7 Response to Interrogatory No. 26. Google reserves its right to rely upon, and hereby incorporates
 8 by reference, all facts set forth in the previous trial record in this matter, including all trial
 9 transcripts and trial exhibits, any deposition testimony and exhibits preceding the previous trial,
 10 and any briefing, or exhibits identified in briefing, preceding the previous trial. Google further
 11 reserves the right to amend or supplement its response to this Interrogatory based on further
 12 information provided during fact and/or expert discovery in this matter, including but not limited
 13 to supplementation after completion of any depositions that occur after the close of discovery by
 14 court order and/or stipulation of the parties.

INTERROGATORY NO. 30:

17 Identify any evidence that supports GOOGLE’S laches or equitable estoppel defenses that
 18 was not admitted in evidence during the 2012 trial in this action or submitted or referenced by
 19 GOOGLE in connection with court filings discussing GOOGLE’S equitable defenses, including
 20 without limitation “Google’s 4/5/2011 Copyright Liability Trial Brief,” “Google, Inc.’s Proposed
 21 Findings of Fact and Conclusions of Law Regarding Issues of Fact and Law that Must Be
 22 Decided by the Court,” “Google’s Opposition to Oracle’s Rule 50(a) Motion at the Close of
 23 Phase I Evidence,” “Google’s Memorandum Regarding Laches,” the parties’ “Supplemental Joint
 24 Statement Per ECF No. 1274,” and any other submissions by GOOGLE discussing laches or
 25 equitable estoppel.

SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 30:

27 In addition to its General Objections, Google objects to this Interrogatory to the extent it
 28 seeks information protected by the attorney-client privilege, the work product doctrine, and/or

Dated: December 16, 2015

KEKER & VAN NEST LLP

By: /s/ Robert A. Van Nest

ROBERT A. VAN NEST
CHRISTA M. ANDERSON
DANIEL PURCELL

Attorneys for Defendant
GOOGLE INC.

PROOF OF SERVICE

I am employed in the City and County of San Francisco, State of California in the office of a member of the bar of this court at whose direction the following service was made. I am over the age of eighteen years and not a party to the within action. My business address is Keker & Van Nest LLP, 633 Battery Street, San Francisco, CA 94111-1809.

On December 16, 2015, I served the following document(s):

**DEFENDANT GOOGLE INC.'S THIRD SUPPLEMENTAL RESPONSES AND
OBJECTIONS TO PLAINTIFF'S INTERROGATORIES, SET 5 (NOS. 26 – 37)**

☒ by **ELECTRONIC MAIL (PDF)**: Based on an agreement of the parties to accept service by electronic mail, I caused a true and correct copy of the foregoing document(s) to be sent to the person(s) at the electronic notification address(es) listed below. The email was transmitted without error.

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6 Executed on December 16, 2015, at San Francisco, California.

7 I declare under penalty of perjury under the laws of the State of California that the above is true
8 and correct.

9
10 /s/ Reid P. Mullen

11 Reid P. Mullen
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